The Diwan's sanction is presumed. Otherwise such a thing would not have occurred.

Mr. C. A. Kunjunni Raja.—The Diwan can only alter the day and has no power to change the order of precedence. Further, so far as the agenda is concerned, it need not go to the Diwan. It is the Secretary who has to do the business under the Standing Orders.

President.—The Secretary would not put in anything in the agenda unless he gets the Diwan's sanction.

Mr. C. A. Kunjunni Raja.—The Diwan has already fixed the first 2 days for official business.

President.—He has altered it.

Mr. C. A. Kunjunni Raja.—The Secretary is not competent to change it, and you have already told the House that the Diwan has not altered the days.

President.—The President has to be consulted. The Secretary, in consultation with the President, has to arrange the business.

Mr. T. K. Krishna Menon.—When it is Government business, he must consult the Diwan.

Mr. C. A. Kunjunni Raja.—To-day is not a day for the Government. That is my main point. If it is a Government day, I won't object. Being a non-official day, non-official business *shall* have precedence.

President.—Of the two items of business, one, the motion regarding the Bill to amend the Cochin Court of Wards Regulation, was allowed. This was done with the consent of the House which had agreed to the moving of the motion on the first day of this sitting.

Mr. C. A. Kunjunni Raja.—Since it took only a few minutes, I did not want to raise a point of order then.

Mr. T. K. Krishna Menon.—The question of time comes now.

Mr. C. A. Kunjunni Raja.—Much non-official business is pending.

President.—The granting of "Supplementary Grants" is also an important business. You wanted to say something, Mr. Mathew.

Reasons for disallowing Bills, Resolutions, etc.

Mr. K. T. Mathew.—With regard to the allowing of Bills, resolutions and questions, there are certain prohibitive sections in the Council Regulation, Rules and Standing Orders. If the Bills, resolutions and questions that we submit do not come under the prohibitive section, they should be allowed by the President.

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President.—Supposing they are allowed?

Mr. K. T. Mathew.—If they are allowed, then we get the right of discussing them here. If they don't come within the provisions of the prohibitive sections, they should be allowed for discussion.

President.—Supposing they are allowed?

Mr. K. T. Mathew.—They will come up for discussion. Some of my resolutions have been disallowed, not because they fall under the prohibitive sections; and I had correspondence regarding this matter, requesting the President to let me know under what sections the resolutions have been disallowed.

President.—Of course you have been given intimation that your resolutions have been disallowed.

Mr. K. T. Mathew.—Yes, I got the information that my resolutions were disallowed but disallowed under what prohibitive section; I desire to know what sections of the Regulation, Rules and Standing Orders, my resolutions contravene, and if they do not contravene any, they should be allowed, and I submit they do not contravene any; so they are in order, and should be allowed.

President.—It does not matter.

Mr. K. T. Mathew.—Sir, if my resolutions are in order, they should be allowed. Or let me know the sections they violate.

President.—In every case of disallowance we must draw attention to the section. Is that what you mean?

Mr. K. T. Mathew.—Yes, Sir; then only we can know the reason for disallowing them. If our resolutions, Bills and questions do not come within the purview of the prohibitive sections, they should be allowed. That is my contention, and I ask for your ruling that the reason must not fall under the section.

Mr. T. K. Krishna Menon.—The reason is also given and the section is also quoted.

President.—The reasons must fall under the section.

Mr. K. T. Mathew.—I fully agree with your ruling, Sir, that reasons for disallowing them must fall under the sections. Otherwise they should be allowed. In the cases referred to by me, the reasons for disallowing them did not fall under the prohibitive sections. But as we have your ruling now, I do not press now further.

Mr. T. K. Krishna Menon.—I do not know what particular resolution you mean. You must give me notice, so that I may answer.

Mr. K. T. Mathew.—One of them is with regard to the creation of an Executive Council. According to the Council

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Regulation, Rules and Standing Orders, I am entitled to move it, for it does not fall within the prohibitive sections. That is my submission.

President.—It is an important question, whether the Legislative Council has got only those rights and privileges which are conferred by the Council Law, or, if it is entitled to rights and privileges which have not been expressly denied by the prohibitive sections.

Mr. K. T. Mathew.—We are given all the powers except those contained in the prohibitive sections. If our resolutions, Bills and questions do not come under the prohibitive sections, we are entitled to move them in the Council.

President.—So the point is this. There are certain prohibitive sections, e.g., to disallow Bills, etc. One view is that the Council has no power to exercise powers not expressly conferred by the Regulation. The other view is it is entitled to exercise the rights and privileges which have not been expressly denied by the prohibitive sections.

Mr. K. T. Mathew.—I entirely agree with the ruling you have given a little while ago that reasons must fall under the sections, and have nothing more to add now.

Mr. T. K. Krishna Menon.—My answer is this. In the first place, I doubt whether the Member can question the decision of the President. Secondly, I do not think it is necessary for the President to quote chapter and verse for every decision he gives. Thirdly, this is not the time to discuss that matter. I must be given notice, so that I may give proper answer. The President has explicitly stated that so much power alone is given to the Council by His Highness as is clearly set forth in the Council Law. All the rest is still vested in His Highness.

Mr. K. T. Mathew.—The Regulation which has been passed by His Highness says that such and such matters should not be brought into the Council; all other subjects we are entitled to bring, according to that section.

President.—I do not know in what way we are to approach the question.

Mr. K. T. Mathew.—The sub-section to that refers to His Highness' prerogative powers. So, we have got every right to move resolutions, so long as they do not come under the prohibitive section.

Mr. T. K. Krishna Menon.—May I refer to Rule 39?

Mr. K. T. Mathew.—The Regulation is more important than the Rule.

President.—Rules are framed in virtue of statutory powers conferred by the Regulation, and have equal validity and

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force as the Regulation. That statement you have already received from me.

Mr. T. K. Krishna Menon.—How is it that the Member questions the decision of the President? It will be stultifying the dignity as well as the order of the President, if, even for a moment, his decision is permitted to be questioned.

Mr. K. T. Mathew.—I am not questioning the ruling of the President. It is an appeal which I make to the President.

The transaction of official business on a non-official day.

President.—Now, with regard to the point of order of Mr. Kunjunni Raja, my ruling is likely to create a precedent.

Mr. K. T. Mathew.—The point raised by the Jenmi Constituency is quite right. The section is quite clear regarding that. There are certain days for Government business, and Government business should not come on other days. If they are taken up on days allowed for non-official business, we do not get time to do the non-official business.

Mr. T. K. Krishna Menon.—The Diwan allots days for official as well as for non-official business, and he has also authority to alter them.

Mr. K. T. Mathew.—But due intimation to that effect should be given to the Council.

President.—Has not due intimation been given to the Council?

Mr. T. K. Krishna Menon.—Should the Member be told in so many words that the Secretary had received official order on the subject? As for due intimation to the Council, is it not enough, if the Secretary sends the agenda paper which will show that he has got that order?

President.—Do you like to say anything on the matter, Dr. A. G. Menon?

Dr. A. G. Menon.—I think Government business takes not only 3 or 4 days, when big Bills are taken. The Government is always taking more time, and thereby the non-official business suffers to a great extent. That is the reason why I suggested last time, when the Civil Procedure Code Amendment Bill was brought in, it must be placed before a special sitting.

President.—That will not come up to-day. The point is whether any Government business can be taken up on a day allotted for non-official business. But to-day we have to lay down a ruling for our guidance in future.

Mr. K. T Mathew.—May I know what the Diwan, the President and the Secretary have to do regarding this matter

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